

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

7th Legislative Day

2/1/2005

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off laptop computers, cell phones and pagers. And we ask the guests in the gallery to rise and join us for the invocation. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield."

Pastor Crawford: "Let us pray. Most gracious and sovereign king, Father, we come humbly before You asking that Your most choice blessings would be upon us that are assembled here. Lord, we stand before You with many needs. Needs that are physical, for we are in need of healing; needs that are mental, for we are in need of wisdom and understanding; and needs that are spiritual, for we are in need of direction. But Father, yet we believe and we are standing on Your most trusted word which encourages us and strengthens our confidence that we know that our God shall supply all of our needs according to Your riches and glory through Christ. So we ask this all in Your Son's name, Amen."

Speaker Madigan: "Amen. We shall be led in the Pledge of Allegiance, by Representative Franks."

Franks - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

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Currie: "Thank you, Speaker. Please let the record show that Representatives Monique Davis and McCarthy are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Please let the record reflect that all Republicans are present today."

Speaker Madigan: "The Clerk shall take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. The Chair recognizes Mr. Jenisch."

Jenisch: "Thank you, Mr. Speaker. Point of personal privilege today. We're celebrating two birthdays, Representative Millner and Representative Dunn. There is birthday cake in the first row for those two Gentlemen."

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "Referred to the House Committee on Rules is House Resolution 49, offered by Representative Granberg. House Resolution 51, offered by Representative Feigenholtz. House Resolution 52, offered by Representative Saviano. House Joint Resolution 8, offered by Representative Pritchard. House Joint Resolution 9, offered by Representative Meyer. House Joint Resolution 10, offered by Representative Franks."

Speaker Madigan: "Mr. Sacia."

Sacia: "Thank you, Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

Sacia: "Mr. Speaker, Representative Millner was just acknowledged that it's his birthday today. But most Members of the House are not aware of is that, as Mr.

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Millner is growing older he's become obsessed with his loss of hair. And because of that I did a little research and I determined that the loss of ones hair, someone with a phobia that's called peladophobia and along with that he's become exceptionally obsessed with the top of my head. So, I have obtained for him with the assistance of several other Members of the House a certificate giving him one complimentary session for balding phobia. And I wish everyone here would join me in applauding Representative Millner as he's going through this crisis in hopes that we can come up with some sort of cure. Thank you."

Speaker Hannig: "Representative Hannig is in the Chair. Representative Sullivan, for what reason do you rise?"

Sullivan: "I rise for a point of personal privilege."

Speaker Hannig: "Yes, state your point."

Sullivan: "I'm not going to be as eloquent as Representative Sacia, but it is also Representative Joe Dunn's birthday today and his son. Thank you."

Speaker Hannig: "And Representative Wyvetter Younge, for what reason do you rise?"

Younge: "For a point of per... personal privilege."

Speaker Hannig: "Yeah, state your point."

Younge: "Mr. Speaker and Members of the House, Feb... that this is the 1st of February and February is Black History Month. And the Illinois Legislative Black Caucus will be celebrating this Black History Month by presentations on the part of the Members of the Illinois Black Caucus. Thank you."

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Speaker Hannig: "Representative Colvin, for what reason do you rise?"

Colvin: "Thank you, Mr. Speaker. I would just like to make an announcement that the 4:00 Consumer Protection Committee has been canceled for today. Consumer Protection has been canceled for today."

Speaker Hannig: "Agreed... Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions there are House Resolution 50, offered by Representative Reis. House Resolution 53, offered by Representative Joseph Lyons. House Resolution 54, offered by Representative Cross. House Resolution 55, offered by Representative Rose. House Resolution 56, offered by Representative Currie. House Resolution 57, offered by Representative Richard Myers. House Resolution 58, offered by Representative Richard Myers and House Resolution 59, offered by Representative Dunkin and House Resolution 60, offered by Representative John Bradley."

Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. Is there any discussion? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk, would you announce the committee schedule for the rest of the... of the day, please."

Clerk Mahoney: "Today's committee schedule: At 2 p.m. Agriculture & Conservation will meet in Room D-1, the Insurance Committee will meet in Room 122-B, Public Utilities will meet in C-1, Transportation and Motor

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Vehicles will meet in 114. At 4:00: Elections & Campaign Reform will meet in Room 122-B, Health Care Availability & Access will meet in Room 118 and Housing & Urban Development will meet in Room D-1."

Speaker Hannig: "Representative Granberg, for what reason do you rise?"

Granberg: "For an announcement, Mr. Speaker. To let the Members of the Ag Committee know we only have one Bill to do. So, if we could arrive promptly we can get that done and they can do their other business."

Speaker Hannig: "Mr. Clerk, Committee Reports."

Clerk Mahoney: "Rules Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or joint action motions were referred, action taken on Tuesday, February 1, 2005, reported the same back with the following recommendation/s: Committee Reassignments: House Bill 160, offered by Representative Eddy, referred to Elementary & Secondary Educat... referred... from the Elementary & Secondary Education, reassigned to the Executive Committee. House Bill 221, offered by Representative Granberg, assigned to the Public Utilities Committee was reassigned to the Executive Committee."

Speaker Hannig: "Representative Collins. Representative Collins, for what reason do you rise? Representative Collins, for what reason do you rise?"

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Collins: "Thank you, Mr. Speaker. Just wanted to announce that Public Utilities at 2:00, we will not be meeting today. Thank you."

Speaker Hannig: "Could I have your attention please? We're going to recognize Representative Mautino for a moment of silence for a fallen sailor... or soldier from his district. Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I ask today for a moment of silence for Marine Corporal Jonathan S. Beatty of Streator, Illinois. He attended Streator High School. And he was... he was killed on Thursday as a result of hostile action in Iraq's Babil Province. He was a member of the 1st Battalion, 2nd Marine Regiment, 2nd Division, Marine Expeditionary Force based out of Camp Lejeune. This was Jonathan's actual second tour of duty. He had enlisted prior to 9/11 and had gone over and done a 7-month tour. He was due to come home. His tour was ending on the second round here, on Saturday. And so, we send our regrets to his family. And I ask for a moment of silence."

Speaker Hannig: "Thank you, Representative Mautino. Representative Currie now moves that the House stand adjourned until tomorrow Wednesday, February 2 at the hour of 12 noon. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion is adopted. The House stands adjourned"

Clerk Mahoney: "The House Perfunctory Session will come to order. House Joint Resolution Constitutional Amendments -

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First Reading. Representative Bassi offered the following House Joint Resolution Constitutional Amendment #9.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 2 and 5 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

- (a) One Senator shall be elected from each Legislative District. Senators elected in 2008 shall serve four-year terms. Senators elected in 2010 shall serve two-year terms. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into two groups. During each ten-year period, beginning with the general election in 2012, Senators from one group shall first be elected for terms of six years and then for terms of four years and Senators from the other group shall first be elected for terms of four years and then for terms of six years. The Legislative Districts in each group shall be distributed substantially equally over the State.
- (b) Each Legislative District shall be divided into two Representative Districts. One Representative shall be

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elected from each Representative District Representatives elected in 2008 shall serve terms of four years. During each ten-year period, beginning with the general election in 2012, Representatives shall first be elected for terms of four years, then for terms of two years, and then for terms of four years.

- (c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.
- (d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial or Representative office with more than twenty-eight months remaining in the term, the appointed Senator or Representative shall serve until the next general election, at which time a Senator or Representative shall be elected to serve for the remainder of the term. If the vacancy is in any other Senatorial or a Representative office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

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- (e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly. No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

SECTION 5. SESSIONS

- (a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body for a period beginning and ending at noon on the second Wednesday of January of consecutive odd-numbered years.
- (b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law.
- (c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house

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determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to the election of members of the General Assembly in 2008 and thereafter. It does not affect the terms of members elected in 2004 or 2006. House Joint Resolution Constitutional Amendment #10.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 1 of Article X of the Illinois Constitution as follows:

ARTICLE X

EDUCATION

SECTION 1. FUNDAMENTAL RIGHT-FREE SCHOOLS

A fundamental right of the People of the State is the educational development of all persons to the limits of their capacities. It is the paramount duty of the State to provide for a thorough and efficient system of high quality public educational institutions and services and to guarantee equality of educational opportunity as a fundamental right of each citizen. Education in public

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schools through the secondary level shall be free. The State has the preponderant financial responsibility for financing the system of public education. There may be such other free education as the General Assembly provides by law.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. Introduction to Reading of the House Bills-First Reading. House Bill 680, offered by Representative Black, a Bill for an Act concerning procurement. House Bill 681, offered by Representative Hoffman, a Bill for an Act concerning law enforcement training. House Bill 682, offered by Representative Hassert, a Bill for an Act concerning local government. House Bill 683, offered by Representative Mitchell, Bill, a Bill for an Act concerning regulation. House Bill 684, offered by Representative Mitchell, Bill, a Bill for an Act concerning finance. House Bill 685, offered by Representative Fritchey, a Bill for an Act concerning human rights. House Bill 686, offered by Representative Bellock, a Bill for an Act concerning liquor. House Bill 687, offered by Representative Coulson, a Bill for an Act concerning education. House Bill 688, offered by Representative Mathias, a Bill for an Act concerning safety. House Bill 689, offered by Representative Lindner, a Bill for an Act concerning procurement. House Bill 690, offered by Representative Eddy, a Bill for an Act in

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relation to economic development. House Bill 691, offered by Representative Hannig, a Bill for an Act concerning hospitals. House Bill 692, offered by Representative Mathias, a Bill for an Act concerning motor fuel theft. House Bill 693, offered by Representative Pritchard, a Bill for an Act concerning transportation. House Bill 694, offered by Representative Bassi, a Bill for an Act concerning revenue. House Bill 695, offered by Representative May, a Bill for an Act regarding schools. House Bill 696, offered by Representative Lyons, Joseph, a Bill for an Act in relation to public employee benefits. House Bill 697, offered by Representative Lyons, Joseph, a Bill for an Act in relation to public employee benefits. House Bill 698, offered by Representative Lyons, Joseph, a Bill for an Act concerning public employee benefits. House Bill 699, offered by Representative Lyons, Joseph, a Bill for an Act concerning civil procedure. House Bill 700, offered by Representative Lyons, Joseph, a Bill for an Act concerning regulation. House Bill 701, offered by Representative Lyons, Eileen, a Bill for an Act concerning criminal law. House Bill 702, offered by Representative Holbrook, a Bill for an Act concerning hazardous materials. House Bill 703, offered by Representative Holbrook, a Bill for an Act concerning corrections. House Bill 704, offered by Representative Holbrook, a Bill for an Act concerning liability. House Bill 705, offered by Representative Cross, a Bill for an Act concerning medical liability. House Bill 706, offered by Representative Nekritz, a Bill

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for an Act concerning revenue. House Bill 707, offered by Representative Nekritz, a Bill for an Act concerning animals. House Bill 708, offered by Representative Black, a Bill for an Act concerning transportation. House Bill 709, offered by Representative Black, a Bill for an Act concerning revenue. House Bill 710, offered by Representative Boland, a Bill for an Act concerning regulation. House Bill 711, offered by Representative Washington, a Bill for an Act concerning business. House Bill 712, offered by Representative Chapa LaVia, a Bill for an Act concerning civil law. House Bill 713, offered by Representative Boland, a Bill for an Act concerning regulation. House Bill 714, offered by Representative Munson, a Bill for an Act concerning civil law. House Bill 715, offered by Representative Chapa LaVia, a Bill for an Act concerning elections. House Bill 716, offered by Representative Beiser, a Bill for an Act concerning criminal law. House Bill 717, offered by Representative Osterman, a Bill for an Act concerning government. House Bill 718, offered by Representative Osterman, a Bill for an Act concerning energy conservation. House Bill 719, offered by Representative Soto, a Bill for an Act concerning immigrants. House Bill 720, offered by Representative Leitch, a Bill for an Act concerning local government. House Bill 721, offered by Representative Leitch, a Bill for an Act concerning land. House Bill 722, offered by Representative Colvin, a Bill for an Act in relation to incarceration. House Bill 723, offered by

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Representative Granberg, a Bill for an Act concerning conservation. House Bill 724, offered by Representative Granberg, a Bill for an Act concerning education. House Bill 725, offered by Representative Reitz, a Bill for an Act concerning aging. House Bill 726, offered by Representative Miller, a Bill for an Act concerning children. House Bill 727, offered by Representative Wait, a Bill for an Act concerning revenue. House Bill 728, offered by Representative Mitchell, Jerry, a Bill for an Act concerning education. House Bill 729, offered by Representative Reitz, a Bill for an Act concerning safety. House Bill 730, offered by Representative Bradley, John, a Bill for an Act concerning transportation. House Bill 731, offered by Representative Eddy, a Bill for an Act concerning government. House Bill 732, offered by Representative Jakobsson, a Bill for an Act concerning insurance. House Bill 733, offered by Representative Delgado, a Bill for an Act concerning schools. House Bill 734, offered by Representative Delgado, a Bill for an Act concerning public aid. House Bill 735, offered by Representative Moffitt, a Bill for an Act concerning economic development. House Bill 736, offered by Representative Moffitt, a Bill for an Act concerning economic development. House Bill 737, offered by Representative Delgado, a Bill for an Act concerning regulation. House Bill 738, offered by Representative Rose, a Bill for an Act concerning public employee benefits. House Bill 739, offered by Representative Eddy,

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a Bill for an Act concerning school construction. House Bill 740, offered by Representative Ryg, a Bill for an Act concerning public aid. House Bill 741, offered by Representative Eddy, a Bill for an Act concerning public employee benefits. House Bill 742, offered by Representative Boland, a Bill for an Act concerning business. House Bill 743, offered by Representative Coulson, a Bill for an Act concerning elections. House Bill 744, offered by Representative Wait, a Bill for an Act concerning school students. House Bill 745, offered by Representative Wait, a Bill for an Act concerning taxes. House Bill 746, offered by Representative Flider, a Bill for an Act concerning regulation. House Bill 747, offered by Representative Wait, a Bill for an Act concerning minors. House Bill 748, offered by Representative Jakobsson, a Bill for an Act concerning State government. And House Bill 749, offered by Representative Joyce, a Bill for an Act concerning public employee benefits. There being no further business, the House Perfunctory Session will stand adjourned."